

APPLICATION FOR LETTERS PATENT OF THE  
UNITED STATES OF AMERICA

For the invention entitled:

**METHOD FOR DIAGNOSING AND DISTINGUISHING TRAUMATIC BRAIN  
INJURY AND DIAGNOSTIC DEVICES FOR USE THEREIN**

Inventors:

**GEORGE JACKOWSKI, Ph.D.  
ERIC B. STANTON, M.D.  
MIYOKO TAKAHASHI, Ph.D.  
MICHELLE DAVEY, PH.D.**

1                   METHOD FOR DIAGNOSING AND DISTINGUISHING TRAUMATIC BRAIN INJURY  
2                   AND DIAGNOSTIC DEVICES FOR USE THEREIN

3  
4                   FIELD OF THE INVENTION

5                   The present invention relates to methods for rapid  
6                   assessment of subjects suffering from traumatic brain injury.  
7                   The invention particularly relates to a process and device for  
8                   one or more markers indicative of cellular damage, and further  
9                   relates to tracking the concentration of those markers to  
10                  accurately assess severity of injury. The present invention  
11                  additionally relates to the diagnosis of repeated injury  
12                  associated with traumatic brain injury.

13  
14                  BACKGROUND OF THE INVENTION

15                  Damage to the brain by a physical force is broadly termed  
16                  traumatic brain injury (TBI). The resulting effect of TBI  
17                  causes alteration of normal brain processes attributable to  
18                  changes in brain structure and/or function. There are two  
19                  basic types of brain injury, open head injury and closed head  
20                  injury. In an open head injury, an object, such as a bullet,  
21                  penetrates the skull and damages the brain tissue. Closed head  
22                  injury is usually caused by a rapid movement of the head during  
23                  which the brain is whipped back and forth, bouncing off the  
24                  inside of the skull. Closed head injuries are the most common

1       of the two, which often results from motor vehicle crashes or  
2       falls. In a closed head injury, brute force or forceful  
3       shaking injures the brain. The stress of this rapid movement  
4       pulls apart and stretches nerve fibers or axons, breaking  
5       connections between different parts of the brain. In most  
6       cases, a resulting blood clot, or hematoma, may push on the  
7       brain or around it, raising the pressure inside the head. Both  
8       open and closed head injuries can cause severe damage to the  
9       brain, resulting in the need for immediate medical attention.

10             Depending on the type of force that hits the head, varying  
11       injuries such as any of the following can result: jarring of  
12       the brain within the skull, concussion, skull fracture,  
13       contusion, subdural hematoma, or diffuse axonal injury. Though  
14       each person's experience is different, there are common  
15       problems that many people with TBI face. Possibilities  
16       documented include difficulty in concentrating, ineffective  
17       problem solving, short and long-term memory problems, and  
18       impaired motor or sensory skills; to the point of an inability  
19       to perform daily living skills independently such as eating,  
20       dressing, or bathing. The most widely accepted concept of  
21       brain injury divides the process into primary and secondary  
22       events. Primary brain injury is considered to be more or less  
23       complete at the time of impact, while secondary injury evolves  
24       over a period of hours to days following trauma.

1 Primary injuries are those commonly associated with  
2 emergency situations such as auto accidents, or anything  
3 causing temporary loss of consciousness or fracturing of the  
4 skull. Contusions, or bruise-like injuries, often occur under  
5 the location of a particular impact. The shifting and rotating  
6 of the brain inside the skull after a closed brain injury  
7 results in shearing injury to the brain's long connecting nerve  
8 fibers or axons, which is referred to as diffuse axonal injury.

9 Lacerations are defined as the tearing of frontal and temporal  
10 lobes or blood vessels caused by the brain rotating across  
11 ridges inside the skull. Hematomas, or blood clots, result  
12 when small blood vessels are broken by the injury. They can  
13 occur between the skull and the brain (epidural or subdural  
14 hematoma), or inside the substance of the brain itself  
15 (intracerebral hematoma). In either case, if they are  
16 sufficiently large they will compress or shift the brain,  
17 damaging sensitive structures within the brain stem. They can  
18 also raise the pressure inside the skull and eventually shut  
19 off the blood supply to the brain.

20 Delayed secondary injury at the cellular level has come to  
21 be recognized as a major contributor to the ultimate tissue  
22 loss that occurs after brain injury. A cascade of physiologic,  
23 vascular, and biochemical events is set in motion in injured  
24 tissue. This process involves a multitude of systems,

1 including possible changes in neuropeptides, electrolytes such  
2 as calcium and magnesium, excitatory amino acids, arachidonic  
3 acid metabolites such as the prostaglandins and the  
4 leukotrienes, and the formation of oxygen-free radicals. This  
5 secondary tissue damage is at the root of most of the severe,  
6 long-term deficits a person with brain injury may experience.  
7 Procedures which minimize this damage can be the difference  
8 between recovery to a normal or near-normal condition, or  
9 permanent disability.

10 Diffuse blood vessel damage has been increasingly  
11 implicated as a major component of brain injury. The vascular  
12 response seems to be biphasic. Depending on the severity of  
13 the trauma, early changes include an initial rise in blood  
14 pressure, an early loss of the automatic regulation of cerebral  
15 blood vessels, and a transient breakdown of the blood-brain  
16 barrier (BBB). Vascular changes peak at approximately six  
17 hours post-injury but can persist for as long as six days. The  
18 clinical significance of these blood vessel changes is still  
19 unclear, but may relate to delayed brain swelling that is often  
20 seen, especially in younger people.

21 The process by which brain contusions produce brain  
22 necrosis is equally complex and is also prolonged over a period  
23 of hours. Toxic processes include the release of free oxygen  
24 radicals, damage to cell membranes, opening of ion channels to

1 an influx of calcium, release of cytokines, and metabolism of  
2 free fatty acids into highly reactive substances that may cause  
3 vascular spasm and ischemia. Free radicals are formed at some  
4 point in almost every mechanism of secondary injury. Their  
5 primary targets are the fatty acids of the cell membrane. A  
6 process known as lipid peroxidation damages neuronal, glial,  
7 and vascular cell membranes in a geometrically progressing  
8 fashion. If unchecked, lipid peroxidation spreads over the  
9 surface of the cell membrane and eventually leads to cell  
10 death. Thus, free radicals damage endothelial cells, disrupt  
11 the BBB, and directly injure brain cells, causing edema and  
12 structural changes in neurons and glia. Disruption of the BBB  
13 is responsible for brain edema and exposure of brain cells to  
14 damaging blood-borne products.

15 Secondary systemic insults (outside the brain) may  
16 consequently lead to further damage to the brain. This is  
17 extremely common after brain injuries of all grades of  
18 severity, particularly if they are associated with multiple  
19 injuries. Thus, people with brain injury may experience  
20 combinations of low blood oxygen, blood pressure, heart and  
21 lung changes, fever, blood coagulation disorders, and other  
22 adverse changes at recurrent intervals in the days following  
23 brain injury. These occur at a time when the normal regulatory  
24 mechanism, by which the cerebrovascular vessels can relax to

1 maintain an adequate supply of oxygen and blood during such  
2 adverse events, is impaired as a result of the original trauma.

3 The protocols for immediate assessment are limited in  
4 their efficiency and reliability and are often invasive.

5 Immediate treatment for TBI typically involves surgery to  
6 control bleeding in and around the brain, monitoring and  
7 controlling intracranial pressure, insuring adequate blood flow  
8 to the brain, and treating the body for other injuries and  
9 infection. Those with mild brain injuries often experience  
10 subtle symptoms and may defer treatment for days or even weeks.

11 Once a patient chooses to seek medical attention, observation,  
12 neurological testing, magnetic resonance imaging (MRI),  
13 positron emission tomography (PET) scan, single-photon emission  
14 CT (SPECT) scan, monitoring the level of a neurotransmitter in  
15 spinal fluid, computed tomography (CT) scans, and X-rays may be  
16 used to determine the extent of the patient's injury. The type  
17 and severity of the injury determine further care.  
18 Unfortunately, mild brain injuries often result in long-term  
19 disabilities.

20 According to the Center for Disease Control, national data  
21 estimates for 1995-1996 for incidence of traumatic brain injury  
22 include the treatment and release of one million patients from  
23 hospital emergency departments, wherein for every 230,000  
24 hospitalized who survive, 50,000 die. It is now estimated that

1       every 15 seconds another person in the United States sustains  
2       a brain injury and that at least 5.3 million Americans are  
3       currently living with a TBI-related disability.

4           The cost of TBI in the United States regarding such areas  
5       as disability, lost work wages, and rehabilitation for  
6       resulting various cognitive and movement impairments total  
7       approximately 48 billion dollars, with hospitalization costs  
8       reaching 32 billion each year. This obviously does not include  
9       the human costs, or burdens borne, by those who are injured and  
10      their families.

11       Diagnostic techniques for the early diagnosis of traumatic  
12      brain injury and identification of the type of event of TBI are  
13      needed to allow a physician to prescribe the appropriate  
14      therapeutic drugs at an early stage in the cerebral event.  
15       Various markers for brain injury are proposed and analytical  
16      techniques for the determination of such markers have been  
17      described in the art. As used herein, the term "marker" refers  
18      to a protein or other molecule that is released from the brain  
19      during a cerebral event. Such markers include isoforms of  
20      proteins that are unique to the brain.

21       It has been reported in the literature that various  
22      biochemical markers have correlated with cerebral events such  
23      as traumatic brain injury. Myelin basic protein (MBP)  
24      concentration in cerebrospinal fluid (CSF) increases following

1 sufficient damage to neuronal tissue, head trauma, or AIDS  
2 dementia. Further, it has been reported that ultrastructural  
3 immunocytochemistry studies using anti-MBP antibodies have  
4 shown that MBP is localized exclusively in the myelin sheath.  
5 S-100 protein is another marker which may be useful for  
6 assessing neurologic damage, for determining the extent of  
7 brain damage, and for determining the extent of brain lesions.  
8 Thus, S-100 protein has been suggested for use as an aid in the  
9 diagnosis and assessment of brain lesions and neurological  
10 damage due to brain injury, as in stroke. Neuron specific  
11 enolase (NSE) also has been suggested as a useful marker of  
12 neurologic damage in the study of brain injury, as in stroke,  
13 with particular application in the assessment of treatment.  
14

15 PRIOR ART

16 Herrmann et al. (J. Neurotrauma (2000) 17, 2, 113-133) aim  
17 their investigation on the release of neuronal markers, neuron  
18 specific enolase (NSE), and S-100B, and their association with  
19 intracranial pathologic changes as demonstrated in computerized  
20 tomography (CT). Their findings suggest release patterns of S-  
21 100B and NSE differ in patients with primary cortical  
22 contusions, diffuse axonal injury, and signs of cerebral edema  
23 without focal mass lesions. It is also suggested that all  
24 serum concentrations of NSE and S-100B significantly correlate

1 with the volume of contusions. Herrmann et al. therefore  
2 suggest NSE and S-100B may mirror different pathophysiological  
3 consequences of TBI. In a later study, Herrmann et al. (J.  
4 Neurol. Neurosurg. Psych. (2001) 70, 1, 95-100) examine the  
5 release patterns of neurobiochemical markers of brain damage  
6 (NSE and protein S-100) in patients with traumatic brain injury  
7 and their predictive value with respect to the short and long  
8 term neuropsychological outcome. Serial NSE and S-100B  
9 concentrations are analyzed in blood samples taken at the  
10 first, second, and third day after traumatic brain injury.  
11 Patients with short and long-term neuropsychological disorders  
12 are found to have significantly higher NSE and S-100B serum  
13 concentrations and a significantly longer lasting release of  
14 both markers. A comparative analysis of the predictive value  
15 of clinical, neuroradiological, and biochemical data shows  
16 initial S-100B values above 140 ng/L to have the highest  
17 predictive power. Therefore, it is suggested the analysis of  
18 post-traumatic release patterns of neurobiochemical markers of  
19 brain damage might help to identify patients with traumatic  
20 brain injury who run a risk of long-term neuropsychological  
21 dysfunction.

22 Raabe et al. (Acta Neurochir. (Wien) (1998) 140, 8, 787-  
23 792) investigate the association between the initial levels of  
24 serum S-100B protein and NSE and the severity of radiologically

visible brain damage and outcome after severe head injury. They suggest there exists a significant correlation between different grades of diffuse injury determined by Marshall classification and initial serum S-100B protein, and between the volume of contusion visible on CT scans and serum S-100B. Further, they suggest serum S-100B may provide superior information about the severity of primary brain damage after head injury.

Raabe and Seifert (Neurosurg. Rev. (2000), 23, 3, 136-138) teach the use of S-100B protein independently as a serum marker of brain cell damage after severe head injury. Minor head injury is usually defined as a clinical state involving a Glasgow Coma Scale (GCS) score of 13-15; the lower the score the more severe the injury. Patients with severe head injury (GCS  $\leq$  8) are thought to be the best candidates for this study. Venous blood samples for S-100B protein are taken after admission and every 24 hours for a maximum of 10 consecutive days. Outcome is assessed at 6 months using the Glasgow Outcome Scale. Their findings indicate levels of S-100B are significantly higher in patients with unfavorable outcome compared to those with favorable outcome. In patients with favorable outcome, slightly increased initial levels of S-100B return to normal within 3 to 4 days. However, in patients with unfavorable outcome, initial levels are markedly increased,

1       with a tendency to decrease from day 1 to day 6. After day 6,  
2       there tends to be a secondary increase in serum S-100B,  
3       indicating secondary brain cell damage. Their preliminary  
4       results suggest that serum S-100B protein may be a promising  
5       biochemical marker which may provide additional information on  
6       the extent of primary injury to the brain and the prediction of  
7       outcome after severe head injury. Rothoerl et al. (J. Trauma  
8       (1998), 45, 4, 765-767) demonstrate the difference in S-100B  
9       serum levels following minor and major head injury. In minor  
10      injury, the mean serum level of S-100B within 6 hours of injury  
11      is 0.35 µg/L. In major injury with a favorable outcome, the  
12      mean serum concentration is shown as 1.2 µg/L, whereas with an  
13      unfavorable outcome the mean is 4.9 µg/L. Rothoerl et al. only  
14      identify there is a difference, but do not utilize the varying  
15      levels in the diagnosis of patients presenting with head  
16      trauma. Follow-up on the progress of patient outcome once the  
17      patient is discharged is not discussed.

18           Ingebrigtsen et al. (Neurosurg. (1999), 45, 3, 468-476)  
19       are interested in the relation of serum S-100 protein  
20       measurements to MRI and neurobehavioral outcome in damage due  
21       to minor head injury. Minor head injury in this study consist  
22       of patients with a GCS score of 13-15 in whom brain CT scans  
23       revealed no abnormalities. Serum levels are initially taken  
24       upon hospital admittance and hourly thereafter for 12 hours

1 following injury. Analysis is by a two-site immunoradiometric  
2 assay kit. Their findings indicate a mean peak serum level of  
3 S-100 to be 0.4 µg/L in 28% of patients which were highest upon  
4 initial analysis and would decline thereafter. The patients  
5 with MRI revealing contusions also tend to have significantly  
6 higher serum S-100 levels. In addition, these patients form a  
7 trend toward impaired neuropsychological functioning on  
8 measures of attention, memory, and information processing  
9 speed, for which all patients are tested at 3 months post-  
10 injury. They conclude that measurements of S-100 recently  
11 following head injury provide information on the extent of TBI,  
12 but most importantly also contribute early prognostic  
13 information for identification of patients on later  
14 neurobehavioral outcome, specifically prolonged neurobehavioral  
15 dysfunction.

16 Fridriksson et al., (Acad. Emerg. Med. (2000) 7, 7, 816-820)  
17 based on their findings, suggest serum neuron specific enolase  
18 as a reliable marker in the prediction of intracranial lesions  
19 in children with head trauma. Their studies are based on the  
20 findings of Skogseld et al. (Acta NeuroChir. (Wien) (1992),  
21 115, 106-111) and Yamazaki et al. (Surg. Neurol. (1995), 43, 3,  
22 267-271) who suggest that serum NSE levels in patients with  
23 head trauma usually peak early after injury, reflecting the  
24 mechanical disruption of brain tissue, and then gradually fall.

1       Although thought to be a reliable marker for predicting  
2       intracranial lesions in children, their results indicate  
3       elevated serum NSE levels in the acute phase after blunt trauma  
4       are neither sensitive nor specific in detecting all lesions.  
5       Nearly 25% of patients with intracranial lesions are missed,  
6       including patients in dire need of surgical procedure.

7              Yamazaki et al. (Surg. Neurol. (1995), 43, 3, 267-271)  
8       illustrates the diagnostic significance of patients with acute  
9       head injury between those who survive and those who die. Blood  
10      samples are taken following injury at a mean of 4.3 hours.  
11      Serum levels of NSE and MBP are both significantly elevated in  
12      the patients who die versus the patients who survive. For NSE,  
13      the levels are approximately 51 ng/mL versus 18 ng/mL,  
14      respectively. For MBP, the levels are approximately 11 ng/mL  
15      versus 1 ng/mL, respectively. This assay of NSE and MBP levels  
16      is suggested to provide early prediction of the prognosis in  
17      patients with acute head injury.

18              Myelin basic protein (MBP) is generally thought to be  
19       associated with autoimmune disease. However, MBP has also been  
20       linked with head trauma. Most significant is the study by Mao  
21       et al. (Hua Xi Yi Ke Da Xue Xue Bao (article in Chinese)  
22       (1995), 26, 2, 135-137). Serum levels of MBP analyzed by  
23       enzyme-linked immunosorbent assay (ELISA) following acute  
24       closed head injury appear to show distinctions between type of

1       injury. At a significantly high level of serum MBP ( $p < 0.05$ )  
2       are patients with severe injury such as cerebral contusion or  
3       intracerebral hematoma, with no significant difference between  
4       them. Much lower are patients with extradural hematoma.  
5       Patients with cerebral concussion show no significant change in  
6       serum MBP. Thomas et al. (Lancet (1978), 1, 8056, 113-115)  
7       goes one step further to show mean concentrations of MBP in  
8       patients with severe intracerebral damage, with or without  
9       extracerebral hematoma, at a significantly raised level for two  
10      weeks after injury.

11           U.S. Pat. No. 5,486,204 issued to Clifton teaches a method  
12      of treating severe, closed head injury with hypothermia. This  
13      is done in order to diminish brain tissue loss when  
14      administered during and after ischemia. Such a method includes  
15      the administration of medications to control both the effects  
16      of the brain injury and to balance the potential deleterious  
17      effects to the body of being subjected to reduced temperatures  
18      for an extended period. According to the claims, a patient  
19      must be cooled for 48 hours. Not only does this method  
20      absolutely require a long period of time and proper space to  
21      perform this task, but also involves medications to combat the  
22      side effects of hypothermia, in addition to those for treating  
23      the brain injury.

24           Methods of assessing and treating head injuries often

1 suggest the administration of pharmaceutical drugs as a blind  
2 test to determine the extent of damage. This may not only be  
3 costly but also dangerous to a patient on other medications.

4 U.S. Pat. Nos. 6,096,739, 6,090,775, and 5,527,822 all teach a  
5 method of treatment involving the administration of a  
6 pharmaceutical. U.S. Patent No. 6,096,739 issued to  
7 Feuerstein, uses cytokine inhibitors, or 1,4,5-substituted  
8 imidazole compounds and compositions, to treat CNS injuries to  
9 the brain. U.S. Patent No. 6,090,775 issued to Rothwell, et  
10 al., uses a compound which treats the conditions of  
11 neurological degeneration by interfering with the action of  
12 interleukin-1, an agent which affects a wide variety of cells  
13 and tissues, directly modifying glial and neuronal function,  
14 and is critical in mediating inflammatory conditions. U.S.  
15 Patent No. 5,527,822 issued to Scheiner, describes a method of  
16 treatment of traumatic brain injury by administering a  
17 butyrolactone derivative. This patent does describe a form of  
18 treatment based on a diagnosis of traumatic brain injury based  
19 on the presence of intracranial hypertension with direct  
20 effects on cerebral perfusion following TBI and leading to  
21 acute inflammation.

22 U.S. Pat. No. 6,052,619 describes the use of a portable  
23 electroencephalograph (EEG) instrument to detect and amplify  
24 brain waves and convert them into digital data for analysis by

1 comparison with data from normal groups. This is suggested for  
2 use in emergencies and brain assessments in a physician's  
3 office. Although very useful, the described invention is a  
4 medical system to transmit data, not a biochemical testing  
5 procedure.

6 U.S. Patent 6,235,489, to Jackowski, entitled "Method for  
7 Diagnosing and Distinguishing Stroke and Diagnostic Devices for  
8 Use Therein" is drawn to a method for determining whether a  
9 subject has had a stroke and, if so, the type of stroke which  
10 includes analyzing the subject's body fluid for at least four  
11 selected markers of stroke, namely, myelin basic protein, S100  
12 protein, neuronal specific enolase and a brain endothelial  
13 membrane protein such as thrombomodulin or a similar molecule.  
14 The data obtained from the analyses provide information as to  
15 the type of stroke, the onset of occurrence and the extent of  
16 brain damage and allow a physician to determine quickly the  
17 type of treatment required by the subject.

18 What is lacking in the art is a non-invasive point-of-care  
19 methodology useful for recent TBI sufferers to enable  
20 appropriate measures to be taken for treatment, for example,  
21 on-site in emergency situations or over a prolonged period for  
22 chronic conditions. Providing a rapid point-of-care test would  
23 enable the practitioner to quickly and definitively determine  
24 the presence of head trauma. For example, this type of test

1 could be performed by an EMT or upon arrival in the ER. The  
2 importance of such a tool can be illustrated by the example of  
3 child abuse cases where the infant (shaken baby syndrome) or  
4 child may not be able to express what has occurred. The proper  
5 authorities could perform the simple, inexpensive test to  
6 ensure whether abusive events have occurred and whether these  
7 events have been ongoing. In addition, the safety of the  
8 infant could be conveniently followed by intermittent testing  
9 for further signs of abuse. Another useful example lies in the  
10 sports arena. Hockey players and boxers are routinely exposed  
11 to constant forces against the head. A simple diagnostic test  
12 could determine the immediate effects of an individual  
13 concussion, or the build up of repetitive injury with each  
14 ensuing match. An acceptable level could be implemented to  
15 protect players from dangerous levels of exposure, thus  
16 avoiding the devastating effects of secondary injuries. Such  
17 techniques can provide data which will allow a physician to  
18 rapidly determine the appropriate treatment required by the  
19 patient and thereby permit early intervention.

20

21 SUMMARY OF THE INVENTION

22 The present invention provides a diagnostic test kit and  
23 a method for its use that is capable of determining whether a  
24 patient has suffered traumatic brain injury and, if so, whether

1       the event is exemplary of primary or secondary conditions.  
2       According to the method, a body fluid of the patient is  
3       analyzed for at least one molecule which is cell type specific,  
4       namely, S-100B, neuron specific enolase (NSE), and myelin basic  
5       protein (MBP). The method analyzes the isoforms of the marker  
6       proteins which are specific to the brain. The biochemical  
7       markers may be utilized singly or in various combinations  
8       conclusive of various types of trauma. The analyses of these  
9       markers may be carried out on the same sample of body fluid or  
10      on multiple samples of body fluid. Different body fluid  
11      samples may be taken at the same time or at different time  
12      periods.

13           The information which is obtained according to the method  
14      of the invention can be vital to the physician by assisting in  
15      the determination of how to treat a patient presenting with  
16      symptoms of TBI or suspected of TBI. The data may rule TBI in  
17      or out, and differentiate between primary and secondary TBI.  
18      The data may also determine whether there is evidence of  
19      ongoing or repetitive injury. Further, the method can provide,  
20      at an early stage, prognostic information relating to the  
21      outcome of intervention which can improve patient selection for  
22      appropriate therapeutics and intervention. The method of the  
23      invention is diagnostic well before the imaging technologies.  
24      By measuring the markers in samples of body fluid taken at

1 different points in time, the progress of the TBI can be  
2 ascertained.

3 The present invention relates to the rapid assessment of  
4 a patient presenting with traumatic brain injury. A test  
5 involving biochemical markers of neuronal damage is utilized to  
6 quantify whether an injury is related to traumatic brain  
7 injury. The term "quantify" is used herein to determine the  
8 occurrence, to distinguish type, to measure severity, or to  
9 conclusively track progression and/or evidence of ongoing or  
10 repetitive injury. In addition, the present invention relates  
11 to the usefulness of continued monitoring of TBI patients for  
12 a period of time. This type of assessment could be very useful  
13 in the proper treatment of persons suffering from traumatic  
14 brain injury.

15 Accordingly, it is an objective of the instant invention  
16 to provide a method for rapidly diagnosing and distinguishing  
17 traumatic brain injury.

18 It is a further objective of the instant invention to  
19 provide such a method which includes analyzing the body fluid  
20 of a patient for at least one marker indicative of traumatic  
21 brain injury.

22 It is yet another objective of the instant invention to  
23 provide a method which can provide information relating to  
24 whether the traumatic brain injury is a result of repetitive

1           injury.

2           It is a still further objective of the invention to  
3           provide diagnostic assay devices for use in the method.

4           Other objects and advantages of this invention will become  
5           apparent from the following description taken in conjunction  
6           with the accompanying drawings wherein are set forth, by way of  
7           illustration and example, certain embodiments of this  
8           invention. The drawings constitute a part of this  
9           specification and include exemplary embodiments of the present  
10           invention and illustrate various objects and features thereof.

11           

12           

13           BRIEF DESCRIPTION OF THE FIGURES

14           Figure 1 illustrates a Table of Data relating to Trauma  
15           Patients.

16           

17           DETAILED DESCRIPTION OF THE INVENTION

18           The markers which are analyzed according to the method of  
19           the invention are released into the circulation and are present  
20           in the blood and other body fluids. Preferably blood, or any  
21           blood product that contains them such as, for example, plasma,  
22           serum, cytolyzed blood (e.g., by treatment with hypotonic  
23           buffer or detergents), and dilutions and preparations thereof  
24           is analyzed according to the invention. In another preferred

1 embodiment the concentration of the markers in CSF is measured.

2 Kits for diagnosing traumatic brain injury are also described.

3 The terms "above normal" and "above threshold" are used  
4 herein to refer to a level of a marker that is greater than the  
5 level of the marker observed in normal individuals, that is,  
6 individuals who are not undergoing a cerebral event, i.e. an  
7 injury to the brain which may be ischemic, mechanical or  
8 infectious. For some markers, no or infinitesimally low levels  
9 of the marker may be present normally in an individual's blood.

10 For others of the markers analyzed for according to the  
11 invention, detectable levels may be present normally in blood.

12 Thus, these terms contemplate a level that is significantly  
13 above the normal level found in individuals. The term  
14 "significantly" refers to statistical significance and  
15 generally means a two standard deviation (SD) above normal, or  
16 higher, concentration of the marker is present. The assay  
17 method by which the analysis for any particular marker protein  
18 is carried out must be sufficiently sensitive to be able to  
19 detect the level of the marker which is present over the  
20 concentration range of interest and also must be highly  
21 specific.

22 The primary markers which are measured according to the  
23 present method are proteins which are released by the specific  
24 brain cells as the cells become damaged during a cerebral

1 event. These proteins can be either in their native form or  
2 immunologically detectable fragments of the proteins resulting,  
3 for example, by enzyme activity from proteolytic breakdown.  
4 The specific primary markers when mentioned in the present  
5 application, including the claims hereof, are intended to  
6 include fragments of the proteins which can be immunologically  
7 detected. By "immunologically detectable" is meant that the  
8 protein fragments contain an epitope which is specifically  
9 recognized by a cognate antibody.

10 As mentioned previously, the markers analyzed according to  
11 the method of the invention are cell type specific. Myelin  
12 basic protein (MBP) is a highly basic protein, localized in the  
13 myelin sheath, and accounts for about 30% of the total protein  
14 of the myelin in the human brain. The protein exists as a  
15 single polypeptide chain of 170 amino acid residues which has  
16 a rod-like structure with dimensions of 1.5 x 150 nm and a  
17 molecular weight of about 18,500 Dalton. It is a flexible  
18 protein which exists in a random coil devoid of  $\alpha$  helices  $\beta$   
19 conformations.

20 The increase of MBP concentration in blood and CSF in  
21 cerebral hemorrhage is highest almost immediately after the  
22 onset. A normal value for a person who has not had a cerebral  
23 event is from 0.00 to about 0.016 ng/mL. MBP has a half-life in  
24 serum of about one hour and is a sensitive marker for cerebral

1 hemorrhage.

2           The S-100 protein is a cytoplasmic acidic calcium binding  
3 protein found predominantly in the gray matter of the brain,  
4 primarily in glia and Schwann cells. The protein exists in  
5 several homo- or heterodimeric isoforms consisting of two  
6 immunologically distinct subunits, alpha (MW = 10,400 Dalton)  
7 and beta (MW = 10,500 Dalton) while the S-100 $\alpha\sigma$  is the  
8 homodimer  $\alpha\alpha$  which is found mainly in striated muscle, heart  
9 and kidney. The S-100B isoform is the 21,000 Dalton homodimer  
10  $\beta\beta$ . It is present in high concentration in glial cells and  
11 Schwann cells and is thus tissue specific. It is released  
12 during acute damage to the central nervous system and is a  
13 sensitive marker for cerebral infarction. The S-100B isoform  
14 is a specific brain marker released during acute damage to the  
15 central nervous system. It is eliminated by the kidney and has  
16 a half-life of about two hours in human serum. Repeated  
17 measurements of S-100 serum levels are useful to follow the  
18 course of neurologic damage.

19           The enzyme, enolase (EC 4.2. 1.11) catalyzes the  
20 interconversion of 2-phosphoglycerate and phosphoenolpyruvate  
21 in the glycolytic pathway. The enzyme exists in three  
22 isoproteins each the product of a separate gene. The gene loci  
23 have been designated ENO1, ENO2 and ENO3. The gene product of  
24 ENO1 is the non-neuronal enolase (NNE or  $\alpha$ ), which is widely

1 distributed in various mammalian tissues. The gene product of  
2 ENO2 is the muscle specific enolase (MSE or  $\beta$ ) which is  
3 localized mainly in the cardiac and striated muscle, while the  
4 product of the ENO3 gene is the neuron specific enolase (NSE or  
5  $\gamma$ ) which is largely found in the neurons and neuroendocrine  
6 cells. The native enzymes are found as homo- or heterodimeric  
7 isoforms composed of three immunologically distinct subunits,  
8  $\alpha$ ,  $\beta$ , and  $\gamma$ . Each subunit has a molecular weight of  
9 approximately 39,000 Dalton.

10 The  $\alpha\gamma$  and  $\gamma\gamma$  enolase isoforms, which have been  
11 designated neuron specific enolase (NSE) each have a molecular  
12 weight of approximately 80,000 Dalton. It has been shown that  
13 NSE concentration in CSF increases after experimental focal  
14 ischemia and the release of NSE from damaged cerebral tissue  
15 into the CSF reflects the development and size of the infarcts.  
16 NSE has a serum half-life of about 48 hours and its peak  
17 concentration has been shown to occur later after cerebral  
18 artery (MCA) occlusion. NSE levels in CSF have been found to be  
19 elevated in acute and/or extensive disorders including  
20 subarachnoid hemorrhage and acute cerebral infarction.

21 The data obtained according to the method indicate whether  
22 a traumatic brain injury has occurred and, if so, the type of  
23 injury, primary or secondary. Where all markers analyzed are  
24 negative, i.e., within the normal range, there is no indication

1 of traumatic brain injury. When the level of any marker  
2 analyzed is at least 2SD above the normal range, there is  
3 indication of trauma. Depending on which markers and the  
4 degree of marker level, severity can be determined. Prior art  
5 data have indicated that possible conclusions to be drawn are  
6 very high MBP and S-100 are indicative of contusion or  
7 intracerebral hematoma; high S-100 but normal after 3-4 days  
8 indicates a favorable outcome; high S-100 for 1-6 days and then  
9 goes up again, indicates an unfavorable outcome; high MPB for 2  
10 weeks indicates an unfavorable outcome; raised S-100 with no  
11 raise in MBP is indicative of a concussion.

12 According to another preferred embodiment, a fourth  
13 marker, which is from the group of axonal, glial, and neuronal  
14 markers analyzed according to the method of the invention, is  
15 measured to provide information related to the time of onset of  
16 the traumatic brain injury. It should be recognized that the  
17 onset of TBI symptoms is not always known, particularly if the  
18 patient is unconscious or elderly and a reliable clinical  
19 history is not always available. An indication of the time of  
20 onset of the TBI can be obtained by relying on the differing  
21 release kinetics of brain markers having different molecular  
22 weights. The time release of brain markers into the circulation  
23 following brain injury is dependent on the size of the marker,  
24 with smaller markers tending to be released earlier in the

1 event while larger markers tend to be released later.  
2 Thus, in a particularly preferred embodiment, the method and  
3 kit for its performance include a fourth antibody which is  
4 specific for a fourth marker protein, wherein said fourth  
5 marker protein is cell type specific with respect to one of  
6 said first, second or third markers and has a correspondingly  
7 higher molecular weight than said first, second or third  
8 marker, and a fourth labeled antibody which binds to said  
9 fourth marker protein.

10 As stated previously, the level of each of the specific  
11 markers in the patient's body fluid can be measured from one  
12 single sample or one or more individual markers can be measured  
13 in one sample and at least one marker measured in one or more  
14 additional samples. By "sample" is meant a volume of body  
15 fluid such as blood or CSF which is obtained at one point in  
16 time. Further, all the markers can be measured with one assay  
17 device or by using a separate assay device for each marker in  
18 which case aliquots of the same fluid sample can be used or  
19 different fluid samples can be used. It is apparent that the  
20 analyses should be carried out within some short time frame  
21 after the sample is taken, e.g., within about one-half hour, so  
22 the data can be used to prescribe treatment as quickly as  
23 possible. It is preferred to measure each of the markers in  
24 the same single sample, irrespective of whether the analyses

1       are carried out in a single analytical device or in separate  
2       such devices so the level of each marker simultaneously present  
3       in a single sample can be used to provide meaningful data.

4              Generally speaking, the presence of each marker is  
5       determined using antibodies specific for each of the markers  
6       and detecting immunospecific binding of each antibody to its  
7       respective cognate marker. Any suitable immunoassay method may  
8       be utilized, including those which are commercially available,  
9       to determine the level of each of the specific markers measured  
10      according to the invention. Extensive discussion of the known  
11      immunoassay techniques is not required here since these art  
12      known to those of skill in the art. Typical suitable  
13      immunoassay techniques include sandwich enzyme-linked  
14      immunoassays (ELISA), radio immunoassays (RIA), competitive  
15      binding assays, homogeneous assays, heterogeneous assays, etc.  
16      Various of the known immunoassay methods are reviewed in  
17      Methods in Enzymology, 70, pp.30-70 and 166-198 (1980). Direct  
18      and indirect labels can be used in immunoassays. A direct  
19      label can be defined as an entity, which in its natural state,  
20      is visible either to the naked eye or with the aid of an  
21      optical filter and/or applied stimulation, e.g., ultraviolet  
22      light, to promote fluorescence. Examples of colored labels  
23      which can be used include metallic sol particles, gold sol  
24      particles, dye sol particles, dyed latex particles or dyes

1       encapsulated   in   liposomes. Other   direct   labels   include:  
2       radionuclides   and   fluorescent   or   luminescent   moieties.  
3       Indirect labels such as enzymes can also be used according to  
4       the invention. Various enzymes are known for use as labels  
5       such as, for example, alkaline phosphatase, horseradish  
6       peroxidase, lysozyme, glucose-6-phosphate dehydrogenase,  
7       lactate dehydrogenase and urease. For a detailed discussion  
8       of enzymes in immunoassays see Engvall, Enzyme Immunoassay  
9       ELISA and EMIT, Methods of Enzymology, 70, 419439 (1980).

10           A preferred immunoassay method for use according to the  
11       invention is a double antibody technique for measuring the  
12       level of the marker proteins in the patient's body fluid.  
13       According to this method one of the antibodies is a "capture"  
14       antibody and the other is a "detector" antibody. The capture  
15       antibody is immobilized on a solid support which may be any of  
16       various types which are known in the art such as, for example,  
17       microtiter plate wells, beads, tubes and porous materials such  
18       as nylon, glass fibers and other polymeric materials. In this  
19       method, a solid support, e.g., microtiter plate wells, coated  
20       with a capture antibody, preferably monoclonal, raised against  
21       the particular marker protein of interest, constitutes the  
22       solid phase. Diluted patient body fluid, e.g., serum or  
23       plasma, typically about 25  $\mu$ l, standards and controls are added  
24       to separate solid supports and incubated. When the marker

1 protein is present in the body fluid it is captured by the  
2 immobilized antibody which is specific for the protein. After  
3 incubation and washing, an anti-marker protein detector  
4 antibody, e.g., a polyclonal rabbit anti-marker protein  
5 antibody, is added to the solid support. The detector antibody  
6 binds to marker protein bound to the capture antibody to form  
7 a sandwich structure. After incubation and washing an anti-IgG  
8 antibody, e.g., a polyclonal goat anti-rabbit IgG antibody  
9 labeled with an enzyme such as horseradish peroxidase (HRP) is  
10 added to the solid support. After incubation and washing, a  
11 substrate for the enzyme is added to the solid support followed  
12 by incubation and the addition of an acid solution to stop the  
13 enzymatic reaction. The degree of enzymatic activity of  
14 immobilized enzyme is determined by measuring the optical  
15 density of the oxidized enzymatic product on the solid support  
16 at the appropriate wavelength, e.g., 450 nm for HRP. The  
17 absorbance at the wavelength is proportional to the amount of  
18 marker protein in the fluid sample. A set of marker protein  
19 standards is used to prepare a standard curve of absorbance vs.  
20 marker protein concentration. This method is preferred since  
21 test results can be provided in 45 to 50 minutes and the method  
22 is both sensitive over the concentration range of interest for  
23 each marker and is highly specific.

24 The assay methods used to measure the marker proteins

1 should exhibit sufficient sensitivity to be able to measure  
2 each protein over a concentration range from normal values  
3 found in healthy persons to elevated levels, ie., 2SD above  
4 normal and beyond. Of course, a normal value range of the  
5 marker proteins can be found by analyzing the body fluid of  
6 healthy persons. For the S-100B isoform where +2SD = 0.02 ng/mL  
7 the upper limit of the assay range is preferably about 5.0  
8 ng/mL. For NSE where +2SD = 9.9 ng/mL the upper limit of the  
9 range is preferably about 60 ng/mL. For MBP, which has an  
10 elevated level cutoff value of 0.02 ng/mL, the upper limit of  
11 the assay range is preferably about 5.0 ng/mL.

12 The assays can be carried out in various assay device  
13 formats including those described in United States Patents  
14 4,906,439; 5,051,237 and 5,147,609 to PB Diagnostic Systems,  
15 Inc.

16 The assay devices used according to the invention can be  
17 arranged to provide a semi-quantitative or a quantitative  
18 result. By the term "semi-quantitative" is meant the ability  
19 to discriminate between a level which is above the elevated  
20 marker protein value, and a level which is not above that  
21 threshold.

22 As used herein, the term "marker" refers to a protein or  
23 other molecule that is released upon trauma to the brain. Such  
24 markers include, but are not limited to, proteins or isoforms

1       of such proteins that are unique to the brain, and/or proteins  
2       or isoforms thereof that are found in tissues other than the  
3       brain.

4           The assays may be carried out in various formats  
5       including, as discussed previously, a microtiter plate format  
6       which is preferred for carrying out the assays in a batch mode.  
7           The assays may also be carried out in automated immunoassay  
8       analyzers which are well known in the art and which can carry  
9       out assays on a number of different samples. These automated  
10      analyzers include continuous/random access types. Examples of  
11      such systems are described in United States Patents 5,207,987  
12      and 5,518,688 to PB Diagnostic Systems, Inc. Various automated  
13      analyzers that are commercially available include the OPUS® and  
14      OPUS MAGNUM® analyzers. Another assay format which can be used  
15      according to the invention is a rapid manual test which can be  
16      administered at the point-of-care at any location. Typically,  
17      such point-of-care assay devices will provide a result which is  
18      above or below a threshold value, i.e., a semi-quantitative  
19      result as described previously.

20           It should be recognized also that the assay devices used  
21       according to the invention can be provided to carry out one  
22       single assay for a particular marker protein or to carry out a  
23       plurality of assays, from a single volume of body fluid, for a  
24       corresponding number of different marker proteins. A preferred

1 assay device of the latter type is one which can provide a  
2 semi-quantitative result for the primary marker proteins  
3 measured according to the invention, i.e., S-100B, NSE, and  
4 MBP. These devices typically are adapted to provide a distinct  
5 visually detectable colored band at the location where the  
6 capture antibody for the particular marker protein is located  
7 when the concentration of the marker protein is above the  
8 threshold level. For a detailed discussion of assay types  
9 which can be utilized according to the invention as well as  
10 various assay formats and automated analyzer apparatus see U.S.  
11 Patent 5,747,274 to Jackowski.

12 All patents and publications mentioned in this  
13 specification are indicative of the levels of those skilled in  
14 the art to which the invention pertains. All patents and  
15 publications are herein incorporated by reference to the same  
16 extent as if each individual publication was specifically and  
17 individually indicated to be incorporated by reference.

18 It is to be understood that while a certain form of the  
19 invention is illustrated, it is not to be limited to the  
20 specific form or arrangement herein described and shown. It  
21 will be apparent to those skilled in the art that various  
22 changes may be made without departing from the scope of the  
23 invention and the invention is not to be considered limited to  
24 what is shown and described in the specification and

1 drawings/figures.

2           One skilled in the art will readily appreciate that the  
3 present invention is well adapted to carry out the objectives  
4 and obtain the ends and advantages mentioned, as well as those  
5 inherent therein. The embodiments, methods, procedures and  
6 techniques described herein are presently representative of the  
7 preferred embodiments, are intended to be exemplary and are not  
8 intended as limitations on the scope. Changes therein and other  
9 uses will occur to those skilled in the art which are  
10 encompassed within the spirit of the invention and are defined  
11 by the scope of the appended claims. Although the invention  
12 has been described in connection with specific preferred  
13 embodiments, it should be understood that the invention as  
14 claimed should not be unduly limited to such specific  
15 embodiments. Indeed, various modifications of the described  
16 modes for carrying out the invention which are obvious to those  
17 skilled in the art are intended to be within the scope of the  
18 following claims.

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